

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

DANIEL M. ANDREOLA, SR.,
Plaintiff,

v.

Case No. 04-C-282

DENNIS GLASS,
Defendant.

ORDER DENYING WAIVER OF TRANSCRIPT FEES

Plaintiff, an inmate at Oakhill Correctional Institution, brought suit against defendant, seeking damages for violations of his civil rights under 42 U.S.C. § 1983 and RLUIPA. The case was tried to a jury, which found in favor of the defendant. On August 10, 2006, judgment was entered in favor of the defendant dismissing each of plaintiff's claims. Plaintiff has now moved this court to waive fees for transcripts of all proceedings so that he can appeal the court's judgment against him.

Under 28 U.S.C. 1915(c), a court "may direct payment by the United States of the expenses of . . . printing the record on appeal in any civil or criminal case, if such printing is required by the appellate court." However, such authorization may be given only upon filing an affidavit indicating one's assets and inability to pay, and upon prepayment of any required partial filing fees. 28 U.S.C. § 1915(c). It therefore follows that before this court may address plaintiff's request for waiver of transcript fees, plaintiff must file a timely notice of appeal and petition to proceed *in forma pauperis*. Once he files his petition to proceed *in forma pauperis*, along with the certified statement

of his account, the court will determine a partial filing fee and determine whether plaintiff should be allowed to proceed. Only upon payment of the initial filing fee will plaintiff's request that the transcripts be prepared at government expense be properly before the court. *See Prince v. United States*, 312 F.2d 252, 253 (10th Cir. 1962) ("There is no statutory authority under 28 U.S.C.A. § 1915, 28 U.S.C.A. § 753, or elsewhere, allowing the expenditure of government funds as an aid to impecunious persons exploring the possibility of post conviction remedies.").

For the above reasons, plaintiff's request that this court waive transcript fees is hereby DENIED as premature. The denial is without prejudice, however.

So Ordered this 29th day of September, 2006.

s/ William C. Griesbach
William C. Griesbach
United States District Judge